

We are on the web!

#### How to contact us:

Linda Coleman, ADA Director

E-mail: [linda.coleman@birminghamal.gov](mailto:linda.coleman@birminghamal.gov)

Phone: 205-254-2079

Rudy Roussel, Jr., ADA Assistant  
(programs)

E-mail: [rudy.roussel@birminghamal.gov](mailto:rudy.roussel@birminghamal.gov)

Phone: 205- 297-8013

LaQuita Cade—ADA Administrative Asst

E-mail: [LaQuita.cade@birminghamal.gov](mailto:LaQuita.cade@birminghamal.gov)

Phone: 205-714-8683

[www.birminghamal.gov](http://www.birminghamal.gov)



The ADA Committee meets:  
Second Friday, 10:00 AM  
City Hall, MOCA conference  
room, 2nd Floor (south end)

## ADA Advisory Committee

**Chair** – John Duplessis— SSTE Employment Program

**Vice Chair** - Lorne Kelly—MAX Transit (VIP Para transit)

**Secretary**– Vacant

Xaveria Anderson - Ms. Wheelchair Alabama 2007

Trisston Burrows - Ms. Wheelchair America/Alabama 2005

Ty Evans –DHR JOBS

Twanna Carter -VA Medical Center

Lisa George—The Plant Program

Tine Hughes– Sickle Cell Spokesperson

Dan Kessler, Director- Disability Rights and Resources

Charles Priest - Director, Alabama Head Injury Foundation

Keith Strothers- Jefferson County WIA

Graham Sisson– Governor's Office on Disabilities (GOOD)

Yolanda Spencer- Alabama Department of Rehab Services

Myra Shamburger- Alabama Department of Rehab Services

Maria Lyas-Young - Birmingham City Schools

Peggy Turner – The Lakeshore Foundation

## March Is Brain Injury Awareness Month

In recognition of Brain Injury Awareness Month, the **Alabama Head Injury Foundation** encourages parents, athletes, coaches, athletic trainers, and school professionals to take action to reduce the risk for **traumatic brain injury (TBI)** while participating in sports. An estimated 1.7 million TBI-related deaths, hospitalizations, and emergency department visits occur in the United States each year. Most TBIs are concussions caused by the head hitting an object, a moving object striking the head, or by a sudden movement of the body causing the head to move violently. When the head moves violently, the brain bounces back and forth within the skull, damaging brain cells and occasionally causing unconsciousness.

Although most persons who sustain a TBI (including concussion) recover quickly and fully, some have symptoms for days or even weeks. In more serious cases, a person might have headaches, have trouble concentrating, be unable to remember things, or have some other symptom of brain injury for months after the initial injury. During the past decade, emergency department visits for sports and recreation-related TBIs (including concussions) increased 60% among children and adolescents. **More than three million people live with a life-long disability as the result of TBI.**

**What are the long-term consequences of TBI?** The Centers for Disease Control and Prevention estimates that at least 5.3 million Americans currently have a long-term or lifelong need for help to perform activities of daily living due to TBI. Consult your doctor regarding specialized treatment and available rehabilitation programs; early treatment may speed recovery.



## THE MAYOR'S OFFICE ON AMERICANS WITH DISABILITIES

## ADDRESSING CITIZENS' CONCERNS

VOLUME 11 ISSUE 2 MARCH 2013

### Tax Incentives for Businesses



More than fifty million Americans with disabilities make up a huge, nearly untapped market for businesses of all types and sizes. To help businesses welcome customers with disabilities, the IRS offers two tax incentives to remove access barriers. Form 8826 (Disabled Access Credit) and Publication 535 "Business Expenses" (tax deduction). Businesses can take advantage of two Federal tax incentives available to help cover costs of making access improvements for customers with disabilities:

- **A tax credit for small businesses** that remove access barriers from their facilities, provide accessible services, or take other steps to improve accessibility for customers with disabilities.
- **A tax deduction for businesses** of all sizes that remove access barriers in their facilities or vehicles.

A business that annually incurs eligible expenses to bring itself into compliance with the ADA may use these tax incentives every year. The incentives may be applied to a variety of expenditures; however, they may not be applied to the costs of new construction. **All barrier removal must comply with applicable Federal accessibility standards.**

**Tax Credit** - Businesses with 30 or fewer employees or total revenues of \$1 million or less can use the Disabled Access Credit (Internal Revenue Code, Section 44). Eligible businesses may take a credit of up to \$5,000 (half of eligible expenses up to \$10,250, with no credit for the first \$250) to offset their costs for access, including barrier removal from their facilities (e.g., widening a doorway, installing a ramp), and provision for other accessible services and or modification of equipment.

**For more information about the ADA and business visit the Department of Justice ADA Business Connection at [www.ada.gov](http://www.ada.gov)**

#### Inside This Issue:

Accessible Recreational Opportunities

2

Did You Know?  
ADA and the Civil Rights Act

2

Equal opportunities for Students With Disabilities Clarified

3

March is Brain Injury Awareness Month

4

Why should you never iron a 4-leaf clover? You don't want to press your luck





## Addressing Citizens' Concerns

### City of Birmingham Offers Opportunities to Accessible Recreation



### Did You Know ADA Grew Out of The Civil Rights Act ?

The Civil Rights Movement of the 1960's gave rise to other civil rights movements. While minorities and women were protected by civil rights legislation during the 1960's, the rights of people with disabilities were not protected by federal legislation until much later. **Did You know ?**

**The ADA grew out of the Civil Rights Movement of the 1960's. The Civil Rights Act of 1964** was broad in scope and covered those receiving federal fund. It prohibited discrimination on the basis of race, religion and national origin. However, the Civil Rights Act of 1964 did not protect people with disabilities. Discrimination against people with disabilities would not be addressed until 1973 when **Section 504 of the Rehabilitation Act of 1973** became law and later still **in 1990 when the ADA was passed**. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of a disability towards otherwise qualified people with disabilities by recipients of federal financial assistance. But Section 504 did not protect people with disabilities. In 1975 Congress passed the **Education of All Handicapped Children Act), now codified as IDEA**. Public schools are local government agencies and under the ADA, have an obligations to students with disabilities who qualify for services under IDEA. However it was the **Americans with Disabilities Act of 1990** that serves as the foundation that gives strength to all the other acts.

### Equal Opportunity Clarified for Students with Disabilities



The U.S. Department of Education in January 2013 Clarified Schools' Obligation to Provide Equal Opportunity to Students with Disabilities to Participate in Extracurricular Athletics. The Department's Office for Civil Rights **issued guidance** clarifying school districts' existing legal obligations to provide equal access to extracurricular athletic activities to students with disabilities. In addition to explaining those legal obligations, the guidance urges school districts to work with community organizations to increase athletic opportunities for students with disabilities, such as opportunities outside of the existing extracurricular athletic program.

Students with disabilities have the right, under Section 504 of the Rehabilitation Act, to an equal opportunity to participate in their schools' extracurricular activities. A 2010 report by the U.S. Government Accountability Office found that many students with disabilities are not afforded an equal opportunity to participate in athletics, and therefore may not have equitable access to the health and social benefits of athletic participation.

"Sports can provide invaluable lessons in discipline, selflessness, passion and courage, and this guidance will help schools ensure that students with disabilities have an equal opportunity to benefit from the life lessons they can learn on the playing field or on the court," said Education Secretary Arne Duncan. The guidance letter provides examples of the types of reasonable modifications that schools may be required to make to existing policies, practices, or procedures for students with intellectual, developmental, physical, or any other type of disability.

**Examples of such modifications include:** The allowance of a visual cue alongside a starter pistol to allow a student with a hearing impairment who is fast enough to qualify for the track team the opportunity to compete. The guidance also notes that the law does not require that a student with a disability be allowed to participate in any selective or competitive program offered by a school district, so long as the selection or competition criteria are not discriminatory.

"Participation in extracurricular athletics can be a critical part of a student's overall educational experience, said Seth Galanter, Acting Assistant Secretary for the Office for Civil Rights (OCR).

"Schools must ensure equal access that is a rewarding experience for students with disabilities."